Notice of Opposition.

9. Notice of Opposition by a Railway or Canal Company is to be lodged at the Office of the Board of Trade, not later than the First Day of August or First Day of January next succeeding the Date of the Advertisement of Application, according as the same is published in the Month of June or in the Month of November.

Notice of Settlement of Draft Certificate.

10. On the Draft Certificate being settled by the Board of Trade the Promoters are to serve a Copy thereof, with a Notice that the Draft has been settled by the Board of Trade, on every Company, Body, or Person by whom any Representation or Objection respecting the Application was made to or brought before the Board of Trade, and are also to give by Advertisement or otherwise such public or other Notice (if any) thereof as according to the Circumstances of the Case the Board of Trade direct.

Supply of Copies of Draft Certificate.

11. From the Time of the Publication of the first Advertisement the Promoters are to keep in the Office mentioned in this Behalf in the Advertisement a sufficient Number of Copies of the Draft of the Certificate as proposed by them, and are to furnish their Copies to all Persons applying for them at the Price of not more than Sixpence each.

12. From the Time of the Settlement of the Draft Certificate by the Board of Trade the Promoters are to keep in the Office aforesaid Copies of the Draft supplied to them for that Purpose by the Board of Trade, and are to furnish there Copies thereof to all Persons applying for them at such Price (if any) as the Board of Trade from Time to Time direct.

Printing of Certificate.

13. Copies of the Certificate printed by the Printers of a Gazette are to be printed on ordinary White Folio Paper, similar in Size to the Paper on which the Public General Acts of Parliament are printed for public Sale.

CAP. CXXI.

An Act to facilitate in certain Cases the obtaining of Powers for the Construction of Railways. [29th *July* 1864.]

'WHEREAS it is expedient to facilitate the making of Branch and other Lines of Railway, and Deviations of existing Railways, and of Railways in course of Construction, and also the Execution of new Works connected with or for the Purposes of existing Railways:

'And whereas the Object aforesaid would be promoted if, where all Landowners and other Parties beneficially interested are consenting to the making of a Railway or the Execution of a Work, the Persons desirous of making or executing the same were enabled to obtain Power to do so, on complying with the Conditions of a General Act of Parliament, without being obliged to procure a Special Act:'

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Railways Construction Facilities Act, 1864.

Interpretation of Terms.

2. In this Act—

The Term "Lands" includes any Estate, Right, or Interest in Lands:

The Term "the Promoters" means in each Case the Company or Persons intending to apply to the Board of Trade for such a Certificate as is herein-after provided for, and, after

after the Application is made, the Company or Persons actually making the Application, as the Case may require:

The Term "the Railway" means in each Case the Railway and Works intended by the Promoters before the issuing of the Certificate, and, after the issuing thereof, the Railway and Works therein comprised, as the Case may require:

The Term "the Lands Clauses Acts" means, so far as the Enactment in which that Term is used relates to *England*, or to a Certificate to be operative in *England*, The Lands Clauses Consolidation Act, 1845; and, so far as the same relates to *Scotland*, or to a Certificate to be operative in *Scotland*, The Lands Clauses Consolidation (*Scotland*) Act, 1845; together with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860; and so far as the same relates to *Ireland*, or to a Certificate to be operative in *Ireland*, The Railways Act, (*Ireland*) 1851, together with Acts incorporated in or amending that Act:

The Term "the Companies Clauses Acts" means, so far as the Enactment in which that Term is used relates to *England* or *Ireland*, or to a Certificate to be operative in *England* or *Ireland*, The Companies Clauses Consolidation Act, 1845; and, so far as the same relates to *Scotland*, or to a Certificate to be operative in *Scotland*, The Companies Clauses Consolidation (*Scotland*) Act, 1845; together with, in each Case, The Companies Clauses Act, 1863:

The Term "the Railways Clauses Acts" means, so far as the Enactment in which that Term is used relates to *England* or *Ireland*, or to a Certificate to be operative in *England* or *Ireland*, The Railways Clauses Consolidation Act, 1845; and, so far as the same relates to *Scotland*, or to a Certificate to be operative in *Scotland*, The Railways Clauses Consolidation (*Scotland*) Act, 1845; together with, in each Case, The Railways Clauses Act, 1863:

The Term "Railway Bill" means a Bill pending in or intended to be introduced into either House of Parliament, having for its Object or One of its Objects to authorize the making of a Railway:

The Term "the Board of Trade" means the Lords of the Committee for the Time being of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Contracts for Lands.

Power for Promoters of Railway and all Persons interested in Land to enter into Provisional Contracts for Land required.

3. Where Promoters of a Railway intend to apply, under this Act, for Authority to make the Railway, they and all Parties seised or possessed of or entitled to Lands required for the Railway shall, in order to the Purchase or taking and Sale of those Lands for the Railway, have all such Powers and Capacities as, in order to the Purchase or taking and Sale of Lands required for an Undertaking authorized by a Special Act of Parliament, are conferred by the Lands Clauses Acts on the Promoters of the Undertaking so authorized and on Parties seised or possessed of or entitled to Lands, or any Estate, Right, or Interest in Lands, required for that Undertaking; all which Powers and Capacities shall be enjoyed and may be exercised by the Promoters, and by all such Parties as aforesaid, as fully and effectually in all respects as if the Promoters had obtained a Special Act incorporating the Lands Clauses Acts, and authorizing them to make the Railway, and to purchase or take the Lands required for the same; subject, nevertheless, to the following Restrictions and Provisions; namely,

(1.) Nothing herein shall confer on the Promoters and Parties aforesaid any of the Powers or Capacities conferred by the Part of the Lands Clauses Acts with respect to the Purchase and taking of Lands otherwise than by Agreement, or by the Part of those Acts with respect to the Entry upon Lands by the Promoters of the Undertaking, or by such Provisions of those Acts as provide for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement, (except only as to such of those Provisions as provide for the Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds; and for the Purposes of the present Section, Section 96 of the Lands

Clauses Consolidation Act, 1845, relating to the Enfranchisement of Copyholds, shall be read and have effect as if the Limitation of Time therein contained were omitted therefrom):

(2.) Any Party under Disability or Incapacity, and not having Power to sell and convey or release any Lands, except under the Lands Clauses Acts, as applied by the present Section, shall have Capacity only to contract with the Promoters for the Sale of those Lands, and shall not (before such a Certificate of the Board of Trade, as is herein-after provided for, comes into operation) have Capacity, further or otherwise than if this Act had not been passed, to carry the Contract into execution, or in pursuance thereof to convey or deliver Possession of or release those Lands:

(3.) The Promoters (before such a Certificate as aforesaid comes into operation) shall be empowered by this Act only to contract for Lands, and they shall not have Capacity, further or otherwise than if this Act had not been passed, to take or hold Lands.

Contracts for Sale of Lands belonging to the Crown or Duchy of Lancaster or Cornwall.

4. Where Lands required for the Railway belong to or are enjoyed by Her Majesty the Queen, Her Heirs or Successors, in right of the Crown, or form Part of the Possessions of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, any Contract for the Purposes of this Act may be entered into in respect of those Lands, as follows; namely,

In the first-mentioned Case, by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the Consent of the Commissioners of Her Majesty's Treasury;

In the secondly-mentioned Case, by the Chancellor of the Duchy by Writing under his Hand attested by the Clerk of the Council of the Duchy;

In the thirdly-mentioned Case, by the Duke of *Cornwall* or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy.

User of or Interference with Public or Turnpike Roads.

5. Notwithstanding anything in this Act, it shall not be necessary for the Promoters, before applying under this Act for Authority to make the Railway, to enter into any Contract with respect to any Part of a Turnpike Road or public Highway intended to be taken or used, or to be diverted or otherwise interfered with, for the Purposes of the Railway; but the Board of Trade before they settle a Draft of such a Certificate as herein-after provided for, shall be satisfied that due Provision is made for the Interests of the Trustees or other Persons having the Management of every such Road or Highway, and for the Safety and Convenience of the Public in relation thereto.

Application for Certificate.

After Land contracted for, Power for Promoters to apply for Certificate, publish Notices, &c.

6. When the Promoters have contracted for the Purchase of all the Lands required for the Railway, and are desirous of obtaining a Certificate under this Act, they shall proceed as follows; namely,

(1.) They shall apply to the Board of Trade for a Certificate under this Act:

(2.) They shall deposit Maps, Plans, Sections, and Books of Reference, and an Estimate of the Expense of the Construction of the Railway, and lodge a Draft of the Certificate as proposed by them, according to the General Rules under this Act:

(3.) They shall publish Notice of the Application according to such General Rules.

Consideration of Application by Board of Trade.

7. As soon as conveniently may be after the Time for Completion of the required Deposit and Notice the Board of Trade shall proceed to inquire in such Manner and to such Extent as shall appear to them sufficient, whether the Promoters have contracted for the Purchase of all the Lands required for the Railway, and to inquire whether the Promoters have complied with the Requirements of the General Rules respecting Deposit and Notice.

Board of Trade to consider all Representations and Objections.

8. The Board of Trade, before setlling the Draft of a Certificate, shall take into consideration any Representation made to them, and shall duly inquire into the Merits of any Objection brought before them, respecting the Application.

Opposition

Opposition of Railway or Canal Company to Undertaking.

On Railway or Canal Company affected giving Notice of Opposition, Proceedings before Board of Trade to cease.

9. If in any Case any Railway or Canal Company desire to be heard by Council, Agents, and Witnesses against the proposed Undertaking, and (within such Time as is prescribed by General Rules under this Act) lodge at the Office of the Board of Trade a Notice in Writing to that Effect (herein after referred to as a Notice of Opposition) in the Form set forth in the Schedule to this Act (with such Variations as Circumstances require), in that Case the Board of Trade, if the Railway or Canal Company lodging the Notice would be affected in any way by the proposed Undertaking, shall not proceed on the Application of the Promoters.

Further Proceedings to be in Parliament.

10. Where the Board of Trade do not proceed on the Application, they shall, not later in any Year than the Fifteenth Day of *February*, if Parliament is then sitting, and if not, then within Seven Days after the next Meeting of Parliament, lay before both Houses of Parliament a Copy of the Draft Certificate lodged by the Promoters and of the Notice of Opposition; and the Promoters shall be at liberty to seek by way of Bill in the same Session, in such Manner and on such Conditions as the Houses of Parliament respectively by Standing Order or otherwise from Time to Time direct, such Powers as were sought by them by way of Certificate.

Settlement of Draft Certificate.

Power to Board of Trade to settle Certificate.

11. Where the Board of Trade proceed on the Application, then on being satisfied that the Promoters have contracted for the Purchase of all the Lands required for the Railway, and have complied with the Requirements of the General Rules respecting Deposit and Notice, they may, if they think fit, settle a Draft of a Certificate certifying to the Effect that the Company, or Persons therein specified, are authorized to make the Railway therein described.

Insertion of Conditions in Certificate.

12. The Board of Trade may (subject to the Provisions of this Act) insert in the Draft Certificate such Provisions as they, according to the Circumstances of the Case, deem necessary or proper for better effectuating the Purposes of the Certificate; and the same shall be deemed to all Intents Part of the Certificate.

Form of Certificate.

13. The Certificate may be in the Form set forth in the Schedule to this Act, with such Provisions as aforesaid.

Submission of Draft Certificate to Houses of Parliament.

Draft Certificate to be laid before Houses of Parliament.

14. The Board of Trade shall lay the Draft Certificate settled by them before both Houses of Parliament, within Seven Days after the same is settled, if Parliament is then sitting, and if not, then within Seven Days after the next Meeting of Parliament, but not later in any Year than the First Day of *June*.

Notice thereof to be given.

15. On the Draft Certificate being settled the Promoters shall give Notice thereof according to General Rules under this Act.

If either House resolve that Certificate ought not to be made, it shall not be proceeded with.

16. If either House of Parliament within Six Weeks after the Draft of a Certificate settled by the Board of Trade is laid before that House, resolves that the Certificate ought not to be made, the same shall not be further proceeded with; and in that Case all Contracts for the Purchase or taking of Lands for the Purposes of the Undertaking shall cease to be binding on either Party.

Issue, Publication, and Effect of Certificate.

If neither House resolve that Certificate ought not to be made, Board of Trade may issue the same.

17. If neither House of Parliament within the Period aforesaid thinks fit to resolve that the Certificate ought not to be made, then as soon as the Period of Six Weeks after the laying of the Draft Certificate before both Houses of Parliament has expired, the Board of Trade may make and issue a Certificate in conformity with such Draft.

Publication of Certificate in Gazette.

18. The Certificate shall be published in the *London* or *Edinburgh* or *Dublin* Gazette respectively, if the Railway will be situate wholly in *England* or *Scotland*, or in *Ireland*; and shall be published both in the *London* and in the *Edinburgh* Gazette, if the Railway will be situate partly in *England* and partly in *Scotland*.

19. As

Operation of Certificate as Special Act.

19. As from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the same Force and Operation, and shall be as absolutely valid and conclusive to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and the Validity of the Certificate shall not be impeached on account of any alleged Informality in any Court or elsewhere.

Judicial Notice of Certificate.

20. The Certificate shall be judicially noticed without being specially pleaded.

Interpretation of Certificate.

21. Terms used in the Certificate shall have the same Meanings as they have when used in this Act.

Duration of Powers under Certificate.

Cesser of Powers at Expiration of prescribed Time.

22. If the Company, or Persons by the Certificate empowered to make the Railway, do not within Five Years from the Commencement of the Operation of the Certificate, or within any shorter Period prescribed therein, complete the Railway and open it for public Traffic, then (subject to any Provisions and Qualifications in the Certificate contained) all the Powers and Authorities given by the Certificate shall, from and after the Expiration of the Time aforesaid, cease, except as to so much of the Railway as is then completed.

Lands.

Incorporation of Lands Clauses Acts in Certificate, except Provisions giving compulsory Powers, &c.

23. The Lands Clauses Acts shall be incorporated with the Certificate (which shall for this Purpose be deemed the Special Act) except as may be therein excepted, and except as to the following Provisions; namely,

(1.) With respect to the Purchase and taking of Lands otherwise than by Agreement:

(2.) With respect to the Entry upon Lands by the Promoters of the Undertaking:

(3.) So much of those Acts as provides for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement (but excluding from this Exception so much of those Acts as provides for the Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds).

Incorporation of Company.

In what Cases Company shall be incorporated.

24. Where the Promoters are not a Company incorporated by Special Act, or by previous Certificate under this Act, and are Seven or more in Number, a Company shall be incorporated by the Certificate, for the Purposes thereof.

In others Company may be incorporated.

25. Where the Promoters are not a Company incorporated by Special Act, or by previous Certificate under this Act, and are less than Seven in Number, a Company may be incorporated by the Certificate for the Purposes thereof, if the Promoters so desire.

Power for Board of Trade to incorporate Company by Certificate.

26. Where the Certificate incorporates a Company, it shall contain proper Provisions with apt Terms for creating a Body Corporate, by an appropriate Name, with perpetual Succession and a Common Seal, and with Power to take, hold, and dispose of Lands and other Property, for the Purposes and subject to the Restrictions of the Certificate, and may confer on the Company Power to borrow on Mortgage, and all other usual or proper Powers.

Incorporation of Companies Clauses Acts.

27. In every such Case, the Companies Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act).

Restriction as to Issue of Shares.

28. It shall not be lawful for any Company empowered by a Certificate under this Act to issue any Share created under the Authority of the Certificate, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share is paid up in respect thereof.

Restrictions on Company as to borrowing, &c.

29. Every Company, whether incorporated by Special Act or by Certificate, empowered by a Certificate to borrow Money, shall, as regards the Money so authorized to be borrowed, be subject to the following Restrictions; namely,

(1.) They shall not exercise the said Powers of borrowing any Money until the whole of the Share Capital authorized by the Certificate is subscribed for or taken, and until

until One Half thereof is actually paid up, and until they prove to the Justice who is to certify under Section 40. of The Companies Clauses Consolidation Act, 1845, or (in *Scotland*) to the Sheriff who is to certify under Section 42. of The Companies Clauses Consolidation (*Scotland*) Act, 1845, as the Case may be, before he so certifies, that Shares for the whole of the Capital are issued and accepted, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares were taken in good Faith, and are held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matters the Certificate of the Justice or Sheriff shall be sufficient Evidence):

(2.) They shall not borrow a larger Sum in the whole than One Third of the Amount of the Share Capital authorized by the Certificate:

(3.) They shall not out of Money raised under the Certificate by Calls or borrowing pay Interest or Dividend to a Shareholder on the Amount of Calls made on his Shares, whether created under the Certificate or otherwise; (but this Provision shall not prevent them paying to a Shareholder under the Certificate such Interest on Money advanced by him beyond the Amount of Calls actually made, as is allowed by the Companies Clauses Acts):

(4.) They shall not out of Money so raised pay or deposit any Money that may be required to be paid or deposited in relation to any Application to Parliament or the Board of Trade:

(5.) They shall apply every Part of the Money so raised only for Purposes for which it is by the Certificate authorized to be applied.

Contracts by Promoters binding on Company.

30. Contracts relative to the Purchase or taking of Lands for the Railway, entered into by the Promoters before the Incorporation of the Company by the Certificate, shall be as binding on the Company as if they had been entered into by the Company.

Construction of Railway.

Incorporation of Railways Clauses Acts in Certificate, except as to compulsory Powers, &c.

31. The Railways Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act), except as may be therein excepted, and except as to the following Provisions; namely,

(1.) Such of the Provisions with respect to the Construction of the Railway and the Works connected therewith as relate to the Correction of Errors and Omissions in Plans or to Plans and Sections of Alterations:

(2.) With respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

(3.) With respect to leasing the Railway:

and subject to the following Provisions; namely,

(1.) Nothing herein shall confer Power for the taking or using of Lands for Deviation or for any other Purpose, otherwise than by Agreement:

(2.) Any Provision referring to the Datum Line described in the Section approved of by Parliament shall be read as referring to the Datum Line described in the Section approved of by the Board of Trade.

Restriction on Alterations of Plan or Section.

32. Where the Promoters desire to make any Alteration in the deposited Plan or Section, they may do so with the Consent of the Board of Trade; but the Board of Trade shall not settle a Draft of a Certificate without being satisfied that all Parties interested in Lands liable to be affected by or in consequence of the Alteration consent thereto.

Provision respecting Gauge.

33. Every Railway made under this Act in *England* or *Scotland* shall be made on the Gauge of Four Feet Eight Inches and Half an Inch, unless in any Case the Certificate prescribes the making of the Railway on the Gauge of Seven Feet or on both those Gauges.

Every Railway made under this Act in *Ireland* shall be made on the Gauge of Five Feet Three Inches.

Provisions to secure Completion of Railway.

Promoters to deposit Eight per Cent. on

34. After the Certificate is ready to be issued, and before the same is issued, by the Board of Trade, the Promoters, unless they are a previously existing Company possessed of a Railway

Estimate in Court of Chancery, &c.

Railway open for public Traffic, shall, within such Time as General Rules under this Act direct, pay as a Deposit a Sum of Money not less than Eight *per Centum* on the Amount of their Estimate of the Expense of the Construction of the Railway, as follows; namely,

Where the Railway or any Part thereof will be situate in *England*,—into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England*:

Where the Railway will be situate wholly in *Scotland*,—either into the Bank of *England* in manner aforesaid, or (at the Option of the Promoters) into a Bank in *Scotland* established by Act of Parliament or Royal Charter, in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*:

Where the Railway will be situate in *Ireland*,—into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*.

Warrant of Board of Trade for Payment into Court.

35. The Board of Trade may issue their Warrant to the Promoters for such Payment into Court, which Warrant shall be a sufficient Authority for the Persons therein named, or the Majority or Survivors of them, to pay the Money therein mentioned into the Bank therein mentioned, in the Name and with the Privity of the Officer therein mentioned, and for that Officer to receive the same, to be placed to his Account there, *ex parte* the Railway therein mentioned, according to the Method (prescribed by Statute, or General Rules or Orders of Court, or otherwise), for the Time being in force respecting the Payment of Money into the said Courts respectively, and without Fee or Reward.

Liberty for Promoters to bring in Exchequer Bills, &c.

36. Provided, that in lieu, wholly or in part, of the Payment of Money, the Promoters may bring into Court as a Deposit an equivalent Sum of Bank Annuities, or of any Stocks, Funds, or Securities on which Cash under the Control of the respective Court is for the Time being permitted to be invested, or of Exchequer Bills, (the Value thereof being taken at the Price at which the Promoters originally purchased the same, as appearing by the Broker's Certificate of that Purchase); and in that Case the Board of Trade shall vary their Warrant accordingly.

Provision for Vacations in Offices of Courts.

37. At any Time when the Office of the Accountant General of the Court of Chancery in *England* or *Ireland* is closed, a Deposit under this Act may nevertheless be made, in such Manner as General Orders of the respective Courts authorize and direct.

Power for Court to direct Investment.

38. Where Money is so paid into the Court of Chancery in *England* or *Ireland*, the Court may, on the Application of the Persons named in the Warrant of the Board of Trade, or of the Majority or Survivors of them, order that the same be invested in such Stocks, Funds, or Securities as the Applicants desire and the Court thinks fit.

Interpretation of "Deposit Fund" and "Depositors" in following Provisions.

39. In the subsequent Provisions of this Act, the Term "the Deposit Fund" means the Money deposited, or the Stocks, Funds, or Securities in which the same is invested, or the Bank Annuities, Stocks, Funds, Securities, or Exchequer Bills deposited, as the Case may be; and the Term "the Depositors" means the Persons named in the Warrant of the Board of Trade authorizing the Deposit, or the Majority or Survivors of those Persons, their Executors, Administrators, or Assigns.

Repayment of Deposit on Completion of Railway or on Terms.

40. The Court in which the Deposit is made shall, on the Application of the Depositors, order the Deposit Fund to be paid, transferred, or delivered out to the Applicants, or as they direct, in any of the following Events; namely,

(1.) If, within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, the Company, or Persons thereby empowered to make the Railway, complete it and open it for public Traffic; or

(2.) If, within the same Time, they (being a Company) prove to the Satisfaction of the Board of Trade that One Half of their nominal Capital authorized by the Certificate is paid up, and that they have expended a like Amount for the Purposes of the Certificate; or

(3.) If, at any Time after the issuing of the Certificate, they execute and deliver to the Solicitor of Her Majesty's Treasury a Bond with a Surety or Sureties (such Bond being prepared to the Satisfaction of, and such Surety or Sureties being approved by,

by, the said Solicitor) in a penal Sum of Twice the Amount of the Money required to be deposited, conditioned to the Effect following, namely,—for Payment to Her Majesty, Her Heirs or Successors, of the Amount of the Money required to be deposited, if the Company or Persons empowered by the Certificate do not, within the Time aforesaid, either complete the Railway and open it for public Traffic, or (being a Company) give such Proof as aforesaid respecting their Capital and Expenditure.

Forfeiture of Deposit on Non-completion of Railway, &c.

41. If the Company, or Persons empowered by the Certificate to make the Railway do not, within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, do one or other of the following Things, namely,—

(1.) complete the Railway and open it for public Traffic; or

(2.) give (being a Company) such Proof as herein-before mentioned respecting their Capital and Expenditure; or

(3.) execute and deliver such a Bond as is herein-before described,—

then and in every such Case the Deposit Fund shall, from and after the Expiration of the Time aforesaid, be forfeited to Her Majesty, and shall accordingly be paid, transferred, or delivered out to or for the Account of Her Majesty's Exchequer, in such Manner as the Court in which the Deposit is made thinks fit to order, on the Application of the Solicitor of Her Majesty's Treasury, on Notice to such Parties (if any) as the Court thinks fit; and the Deposit Fund, when so paid, transferred, or delivered, or the Proceeds thereof, shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Application of Money recovered on Bond.

42. Where any such Bond as aforesaid is given, the Amount recovered thereon shall be paid to the Account of Her Majesty's Exchequer, and shall be carried to and form Part of the said Consolidated Fund.

Depositors to receive Dividends accruing while Fund in Court.

43. The Depositors shall be entitled to receive Payment of the Interest or Dividends from Time to Time accruing on the Deposit Fund while in Court; and the Court in which the Deposit is made may from Time to Time, on the Application of the Depositors, make such Order as seems fit respecting the Payment of the Interest or Dividends accordingly.

Proof as to Capital and Expenditure, Execution of Bond, &c.

44. The Certificate of the Board of Trade that such Proof as aforesaid respecting the Capital and Expenditure of any Company has been given to the Satisfaction of the Board of Trade, and the Certificate of the Solicitor of Her Majesty's Treasury that such Bond as aforesaid has in any Case been prepared, executed, and delivered to his Satisfaction, shall respectively be sufficient Evidence of the Matters therein certified.

Protection to Board of Trade in case of Error, &c.

45. The issuing in any Case of any Warrant or Certificate relating to Deposit or to the Deposit Fund, or any Error in any such Warrant or Certificate or in relation thereto, shall not make the Board of Trade, or the Person signing the Warrant or Certificate on their Behalf, in any Manner liable for or in respect of the Deposit Fund, or the Interest of or Dividends on the same, or any Part thereof respectively.

Mode of Application to Courts.

46. Any Application under this Act to the Court of Chancery in *England* or *Ireland* shall be made in a summary Way in such Manner as General Orders of those Courts respectively direct.

Power for Courts to make General Orders.

47. The Lord Chancellor of *Great Britain* with the Advice and Assistance of the Lords Justices of the Court of Appeal in Chancery and the Master of the Rolls and the Vice-Chancellors, or any Two of those Judges, and the Lord Chancellor of *Ireland* with the Advice and Assistance of the Lord Justice of the Court of Appeal in Chancery in *Ireland* and of the Master of the Rolls in *Ireland*, may respectively from Time to Time make such General Orders as seem fit for the Regulation of the Practice under this Act of the Court of Chancery in *England* and *Ireland* respectively.

Penalty on Company failing to open new Railway in certain Cases.

48. Where a Certificate is obtained by a previously existing Company possessed of a Railway open for public Traffic, then, if the Company fail to complete the Railway and open it for public Traffic within the Time in the Certificate prescribed, and if none is prescribed,

prescribed, then within Five Years from the Commencement of the Operation of the Certificate, the Company shall be liable to a Penalty of not less than Twenty Pounds and not exceeding Fifty Pounds for every Day during which such Failure continues, except only in respect of any Time during which it appears from a Certificate of the Board of Trade that the Company were prevented from completing the Railway or opening it for public Traffic by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control within the Meaning of this Provision.

Tolls and Charges for Use of Railway.

Tolls, &c. in Schedule.

49. The Proprietors of the Railway may demand and take, in respect of the Railway, Tolls and Charges not exceeding the Sums specified in the Schedule to this Act, subject and according to the Regulations therein specified.

Power for Board of Trade to vary Tolls, &c.

50. The Board of Trade may nevertheless by the Certificate vary the Tolls and Charges and Regulations specified in the Schedule to this Act, or any of them, if in any Case it seems to them necessary or proper, under the Circumstances, to do so.

Application of General Railway Acts.

Enactments in Schedule applied to the Railway and Company, subject to Variations.

51. The Enactments described in the Schedule to this Act, and any Enactments amending, perpetuating, or otherwise affecting any of them, so far as the same are in force at the passing of this Act, shall extend and apply, as the Case may require, to the Railway, and to the Company or Persons empowered by the Certificate to make the Railway, and shall in all respects operate in relation thereto respectively as if they were expressly repeated and re-enacted in this Act, subject, nevertheless, and according to the following Variations and Provisions; namely,

(1.) For the Purposes and within the Meaning of any of those Enactments, the Railway shall be deemed to be a Railway made and constructed and carried on under the Authority of Parliament and under the Powers and Provisions of an Act of Parliament, and the Certificate (taken in conjunction with this Act) shall be deemed to be a Special Act of Parliament regulating or relating to the Railway, or the Company, Body, or Persons empowered to make the same (as the Case may require):

(2.) Such of those Enactments as refer to the Time of the passing of an Act of Parliament for the Construction of a Railway, or to the last Day of the Session in which such an Act is passed, shall respectively be read and have effect as referring to the Time of the Commencement of the Operation of the Certificate:

(3.) The Terms "Company" and "Railway Company" used in any of those Enactments shall respectively include any Persons empowered by the Certificate to make the Railway:

(4.) Such of those Enactments as refer to the Directors, or any Director, or the Secretary, Chief or other Clerk, Accountant, Treasurer, or other Officer of a Company, shall extend and apply to every or any One of the Persons (not being a Company), empowered by the Certificate to make the Railway:

(5.) Such of those Enactments as refer to a Writing under the Common Seal of the Company shall be read and have effect as referring to a Writing under the Hand and Seal of any One of such Persons, as aforesaid:

(6.) Such of those Enactments as impose any Penalty or Forfeiture, or any pecuniary Liability or any Obligation, on a Company, or give any Right, Remedy, or Process against a Company, shall be read and have effect (so far as the Nature and Circumstances of the Case admit) as imposing a like Penalty, Forfeiture, Liability, or Obligation on, or as giving a like Right, Remedy, or Process against, every or any One of such Persons, as aforesaid, but not so as to authorize the Recovery of any Penalty or Forfeiture from, or the Enforcement of any pecuniary Liability against, more than One of such Persons in respect of the same Offence, Matter, or Thing:

(7.) The Amount of any Compensation to be made to the Owners and Occupiers of any Lands for Loss or Injury or Inconvenience sustained by them respectively by

reason

reason of any Works done under the Authority of any of those Enactments shall, in case of Dispute, be settled in manner directed by the Lands Clauses Acts and the Railways Clauses Acts as respectively applicable to the Case:

(8.) Such of those Enactments as provide for the Case of the Board of Trade certifying that the Public Safety requires additional Land to be taken by a Company for the Purpose of giving increased Width to the Embankments or Inclination to the Slopes of the Railway, or for making Approaches to Bridges or Archways, or for doing Works for the Repair or Prevention of Accidents or Slips happening or apprehended to the Cuttings, Embankments, or other Works of the Railway, shall be read and have effect, as regards such Portions of Land as are mentioned in any Certificate so given by the Board of Trade, as if compulsory Powers of purchasing and taking Lands had been contained in the Certificate under this Act authorizing the making of the Railway, and the Provisions of the Lands Clauses Acts and the Railways Clauses Acts relative to the compulsory Purchase or taking of Land had been incorporated with that Certificate:

(9.) If the Railway is in any respect constructed contrary to the Provisions of the Certificate, or of this Act, it shall be deemed to be constructed contrary to the Provisions of any of those Enactments applicable in the Case:

(10.) Nothing herein shall extend or make applicable, for the Purposes of this Act, to or in any one of the Parts of the United Kingdom, any of those Enactments not in force there independently of this Act.

Miscellaneous.

Board of Trade may reject the Application.

52. Nothing in this Act shall make it obligatory on the Board of Trade to settle a Draft of a Certificate in any Case if it appears to the Board of Trade for any Reason that the Application of the Promoters should not be complied with; and in case the Board of Trade reject any Application, all Contracts for the Purchase or taking of Lands for the Purposes of the Undertaking shall cease to be binding on either Party.

Saving for General Acts, or Revision of Charges.

53. Nothing in the Certificate shall exempt the Railway, or the Company, or Persons to whom it belongs, from the Provisions of any General Act of Parliament relating to Railways, or to the better Audit of the Accounts of Railway Companies, passed before or after the issuing of the Certificate, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Tolls and Charges allowed to be taken under the Certificate.

New Works in connexion with Railway.

54. All the Provisions of this Act which relate to the making of a Railway shall extend and apply, *mutatis mutandis*, to the making or executing of any Work connected with or for the Purposes of a Railway (as distinguished from the Construction of a Railway).

Power to authorize joint Work.

55. Subject and according to the Provisions of this Act, the Board of Trade may, on a joint Application or on Two or more separate Applications, issue a Certificate empowering Two or more Companies, or Persons, respectively, to jointly make or execute the whole, or to separately make or execute Parts, of a Work connected with or for the Purposes of a Railway, and to jointly or separately use the whole or Parts thereof; and all the Provisions of this Act which relate to the making of a Railway, or the making or executing of a Work, shall extend and apply to the making or executing of the whole and the separate Parts of such Work as last aforesaid; and the Form of the Certificate may be adapted to the Circumstances of the Case.

Power to Promoters, being a Company, to raise additional Capital.

56. Where the Certificate is obtained by a previously existing Company incorporated by Special Act or by Certificate, the Certificate may authorize the Company to raise, as Capital, for the Purposes of the Certificate, such additional Sum of Money as therein limited, by the Issue of new Shares or new Stock, either Ordinary or Preference, or partly Ordinary and partly Preference, or partly in that Mode and partly by borrowing on Mortgage, at the Option of the Company, or as may be prescribed in the Certificate, and with Power to create and issue Debenture Stock.

In every such Case the Companies Clauses Acts shall be incorporated with the Certificate.

In every such Case the Restrictions by this Act imposed on a Company when originally incorporated by Certificate, with respect to the Exercise of their Borrowing Power and to

the Application of Money raised under the Certificate by Calls or borrowing, shall extend and apply to such previously existing Company in respect of such additional Capital.

Where Promoters are a Company, Approval of Application by a Meeting.

57. Where the Certificate is obtained by a previously existing Company incorporated by Special Act or by Certificate, it shall be the Duty of the Board of Trade not to settle a Draft of the Certificate without being satisfied that the Members of the Company have approved of the Application to the Board of Trade, in like Manner as, under the Standing Orders of either House of Parliament for the Time being in force, their Approval of a Railway Bill would be required to be given in the same Case.

Power to Board of Trade to amend or revoke Certificate.

58. Subject and according to the Restrictions and Provisions of this Act, the Board of Trade, on the Application of any Company or Persons empowered by a Certificate, may from Time to Time amend, extend, or vary by Certificate the previous Certificate, and may by Certificate revoke the previous Certificate.

Power to correct Error.

59. If in any Case it is made to appear to the Board of Trade that any Error has been committed in a Certificate or in relation thereto, the Board of Trade may, subject and according to the Restrictions and Provisions of this Act, on the Application of any Company, Body, or Person affected by the Error, and on Notice to the Company or Persons empowered by the Certificate, correct the Error by a further Certificate.

Proof of Certificate.

60. A Copy of the *London, Edinburgh,* or *Dublin* Gazette containing a Certificate or a Copy of a Certificate, purporting to be printed by the Printers of the *London, Edinburgh,* or *Dublin* Gazette, shall be conclusive Evidence of the Certificate, and of the due Publication thereof, without any Proof of the Gazette, or without any Proof of the Copy having been in fact so printed, as the Case may be.

Copies of Certificate for Sale.

61. The Company or Persons empowered by a Certificate shall at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Gazette or One of the Gazettes in which the same was published, in such Form as General Rules under this Act direct, to be sold to all Persons desiring to buy the same, at a Price not exceeding One Shilling for each Copy.

If any Company or Persons fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred.

Recovery and Application of Penalties.

62. Penalties under this Act or under a Certificate, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under the Railways Clauses Acts are recoverable and applicable.

As to Custody of Documents under 7 W. 4. & 1 Vict. c. 83.

63. The Act of the Session of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, (Chapter Eighty-three,) "to compel Clerks of the Peace and "other Persons to take the Custody of such Documents as shall be directed to be deposited "with them under the Standing Orders of either House of Parliament," shall apply to Documents required to be deposited by General Rules under this Act.

General Rules in Schedule with Power for Amendment.

64. The General Rules under this Act shall in the first instance be those set forth in the Schedule to this Act; and the Board of Trade may from Time to Time, for the better Execution of this Act, make General Rules adding to, altering, or revoking any General Rules for the Time being in force under this Act; but any General Rules so made by the Board of Trade shall not have Effect unless and until they are laid before both Houses of Parliament, and if either House of Parliament, within Six Weeks after the same are laid before that House, thinks fit to resolve that the same or any Part thereof ought not to take Effect, the same or that Part thereof (as the Case may be) shall not take Effect; otherwise all Rules made by the Board of Trade under the present Section shall be of the same Force and Effect as if they had been comprised in the Schedule to this Act.

All General Rules which are to take Effect under the present Section shall be published in the *London, Edinburgh,* and *Dublin* Gazettes.

65. Not

65. Not later than the First Day of *July* in each Year the Board of Trade shall lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during the Year then last past. Annual Report to Parliament by Board of Trade.

The SCHEDULE referred to in the foregoing Act.

(i.)—*Notice of Opposition.*

In the matter of
The Railways Construction Facilities Act, 1864,
and
The (proposed) Railway.

We, the Railway [*or* Canal] Company hereby declare and give Notice that we desire to be heard by Counsel, Agents, and Witnesses against the above-mentioned proposed Undertaking.

Dated this Day of , 18 .

Witness, *A.B.*

L.S.

(ii.)—*Form of Certificate of Board of Trade.*

The Railway.

Certificate of the Board of Trade for the Construction of the Railway.

Whereas the Promoters of the Railway have contracted for the Purchase of the Lands required for the Railway and the Works connected therewith, and have complied with the Requirements of The Railways Construction Facilities Act, 1864:

Now, therefore, the Board of Trade do, by this their Certificate, in pursuance of the said Act, and by virtue and in exercise of the Powers thereby in them vested, and of every other Power enabling them in this Behalf, certify as follows:

[*Here are to follow the Provisions of the Certificate showing the Powers conferred and the Terms and Conditions (if any) imposed.*]

The Board of Trade, (Signed) *C.D.*
Whitehall. Secretary to the Board of Trade.
Dated this Day of .

(iii.)—*Tolls and Charges.*

TABLE I.

Maximum Charges for Use of Railway and Supply of Carriages, Waggons, or Trucks.

	For use of Railway, per Mile.	For Supply of Carriage, Waggon, or Truck by the Proprietors of the Railway, the additional Sum per Mile of
Passengers:—		
For every Person - - - - - -	Twopence.	One Penny.
Animals:—		
For every Horse, Ass, Mule, or other Beast of Draught or Burden (Class 1.) - - - - - -	Threepence.	One Penny.
For every Ox, Cow, Bull, or Head of Neat Cattle (Class 2.)	Twopence.	One Penny.
For every Calf, Pig, Sheep, Lamb, and other small Animal (Class 3.) - - - - - - - -	Three Farthings.	One Farthing.

	For Use of Railway, per Mile.	For Supply of Carriage, Waggon, or Truck by the Proprietors of the Railway, the additional Sum per mile of
Goods (except as provided for in Table IV.):—		
For Cotton and other Wools, Manufactured Goods, Drugs, Fish, and all other Wares, Merchandise, Articles, Matters, or Things not enumerated in any other Class (Class 4.) per Ton	Threepence.	One Penny.
For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, Chains, and Light Iron Castings, (Class 5.) - - - - - per Ton	Twopence Halfpenny.	One Penny.
For Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Wrought Iron, Heavy Iron Castings, Railway Chains, Slabs, Billets, and Rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay, and Stone, (Class 6.) - - - - - - - per Ton	Three Halfpence.	One Penny.
For Dung, Compost, Manure, undressed Material for Repair of Public Roads or Highways, Coals, Culm, Cinders, Cannel, Ironstone, Iron Ore, Limestone, Clay (except Fireclay) Chalk, Sand, and Slag, (Class 7.) - per Ton	Five Farthings.	One Halfpenny.
For every Carriage of whatever Description conveyed on a Truck or Platform belonging to the Proprietors of the Railway (Class 8.):		
If not weighing more than One Ton - - -	Sixpence.	
If weighing more than One Ton then for the first Ton -	Sixpence.	
And for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, above the first Ton - -	Three Halfpence.	

TABLE II.

Maximum Charges for Supply of Locomotive Power.

For the Use of Engines for propelling Carriages on the Railway, for every Passenger, Animal, and Ton of Goods - - - per Mile One Penny.

TABLE III.

Maximum total Charges for Use of Railway and Supply of Carriages, Waggons, or Trucks, and Supply of Locomotive Power, and every other Expense incidental to Conveyance of Passengers, Animals, or Goods along the Railway.

	Per Mile.
Passengers:—	
For every Person conveyed in a First-class Carriage - -	Threepence.
,, ,, Second-class ,, - -	Twopence.
,, ,, Third-class ,, - -	Five Farthings.
Animals:—	
For every Animal in Class 1. - - - - -	Fourpence.
,, Class 2. - - - - -	Threepence.
,, Class 3. - - - - - -	Three Halfpence.
Goods:—	
For every Thing in Class 4. - - - - per Ton	Fourpence.
,, Class 5. - - - - per Ton	Threepence.
,, Class 6. - - - - per Ton	Twopence.
,, Class 7. - - - - per Ton	Three Halfpence.
For every Carriage in Class 8. - - - - -	The Charge specified in Table I.

TABLE IV.

Maximum Charges for small Packages and single Articles of great Weight.

Small Packages:—	
For every Parcel not exceeding Seven Pounds in Weight - -	Sixpence.
„ exceeding Seven Pounds, but not exceeding Fourteen Pounds, in Weight - - -	Eightpence.
„ exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds, in Weight - -	One Shilling.
„ exceeding Twenty-eight Pounds, but not exceeding Fifty-six Pounds, in Weight - - -	One Shilling & Threepence.
„ exceeding Fifty-six Pounds, but not exceeding Five hundred Pounds, in Weight, for the first Fifty-six Pounds - - - - -	One Shilling.
And for every additional Fifty-six Pounds or fractional Part of Fifty-six Pounds, above the first Fifty-six Pounds -	Sixpence.
Single Articles of great Weight:—	
For every Boiler, Cylinder or Single Piece of Machinery, Timber or Stone, or other Single Article:	
If weighing (inclusive of the Carriage) more than Four but not more than Eight Tons, Sixpence per Ton per Mile.	
If weighing (inclusive of the Carriage) more than Eight Tons, such Sum as the Proprietors of the Railway think fit.	

REGULATIONS.

1. For Passengers, Animals, or Goods conveyed on the Railway for a Distance less than that prescribed in the Certificate as the Short Distance, and if none is prescribed then for a Distance less than Six Miles, Charges are to be payable as for the Short Distance prescribed, and if none is prescribed then as for Six Miles. Short Distance Charge.

2. In respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles is to be deemed a Mile. Fraction of Mile; Passengers.

3. In respect of Animals and Goods, for a Fraction of a Mile beyond the Short Distance prescribed, or if none is prescribed then beyond Six Miles, or beyond any greater Number of Miles, Charges are to be payable in proportion to the Number of Quarters of a Mile contained in that Fraction; and a Fraction of a Quarter of a Mile is to be deemed a Quarter of a Mile. Fraction of Mile; Animals and Goods.

4. For a Fraction of a Ton Charges are to be payable according to the Number of Quarters of a Ton in that Fraction; and a Fraction of a Quarter of a Ton is to be deemed a Quarter of a Ton. Fraction of Ton.

5. Every Passenger travelling on the Railway may, without Charge, cause to be carried in the same Train with him his ordinary Luggage, not exceeding the Weight prescribed in the Certificate, and if none is prescribed then not exceeding the Weight of One hundred and twenty Pounds for a First-class Passenger, One hundred Pounds for a Second-class Passenger, and Sixty Pounds for a Third-class Passenger. Passengers Luggage.

6. The Restriction as to Charges for Passengers does not extend to Special Trains when required by Passengers, but applies only to the Ordinary or Express Passenger or Goods Trains appointed by the Proprietors of the Railway. Special Trains.

7. Except as to Stone and Timber, Weight is to be determined according to Avoirdupois Weight. Determination of Weight.

Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, are to be deemed One Ton, and so in proportion for any smaller Quantity.

8. In

Terminal Station Charges.

8. In addition to the Charges in Table III., a reasonable Charge is to be payable for the loading, covering, and unloading of Goods at any Station, being a Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services, or any of them, are or is performed by the Proprietors of the Railway.

A Station is not to be considered a Terminal Station in respect of Goods, unless they are received there direct from the Consignor, or are directed to be delivered there to the Consignee.

Small Packages.

9. The Term Small Packages does not include Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like; but applies only to single Parcels in separate Packages.

Agreement for higher Charges.

10. Nothing herein or in the Certificate contained is to prevent the Proprietors of the Railway from taking any Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or any Persons in charge of such Goods, either in respect of the Conveyance thereof (except Small Packages) by Passenger Trains, or by reason of any other special Service performed by the Proprietors of the Railway in relation thereto.

(iv.)—*Enactments in General Acts relating to Railways applied to Railways under this Act.*

Session and Chapter, and Section (if any).	Title or Short Title of Act.
1 & 2 Vict. c. 80. - -	An Act for the Payment of Constables for keeping the Peace near Public Works.
1 & 2 Vict. c. 98. - -	An Act to provide for the Conveyance of the Mails by Railways.
2 & 3 Vict. c. 45. - -	An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth relating to Highways.
3 & 4 Vict. c. 97. - -	An Act for regulating Railways.
5 & 6 Vict. c. 55. - -	An Act for the better Regulation of Railways, and for the Conveyance of Troops.
5 & 6 Vict. c. 79. ss. 2 to 7 (both inclusive), and ss. 24, 25, 26. - - - -	An Act to repeal the Duties payable on Stage Carriages, and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof; and also to amend the Laws relating to Stamp Duties.
7 & 8 Vict. c. 85. - -	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes relating to Railways.
8 & 9 Vict. c. 3. - -	An Act for the Appointment of Constables or other Officers for keeping the Peace near Public Works in Scotland.
8 & 9 Vict. c. 46. - -	An Act for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland.
9 & 10 Vict. c. 57. ss. 4, 6, 7, 8.	An Act for regulating the Gauge of Railways.
10 & 11 Vict. c. 85. s. 16. -	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.
14 & 15 Vict. c. 64. - -	An Act to repeal the Act for constituting Commissioners of Railways.
17 & 18 Vict. c. 31. - -	The Railway and Canal Traffic Act, 1854.

Session and Chapter, and Section (if any).	Title or Short Title of Act.
18 & 19 Vict. c. 122. s. 6. -	An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.
20 & 21 Vict. c. 31. s. 4. -	An Act to amend and explain the Inclosure Acts.
21 & 22 Vict. c. 75. - -	An Act to amend the Laws relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies, being also Railway Companies.
22 & 23 Vict. c. 59. - -	Railway Companies Arbitration Act, 1859.
26 & 27 Vict. c. 33. ss. 13, 14.	An Act for granting to Her Majesty certain Duties of Inland Revenue, and to amend the Laws relating to the Inland Revenue.
26 & 27 Vict. c. 112. s. 32. -	The Telegraph Act, 1863.

(V.)—*General Rules.*

Form of Application.

1. The Application to the Board of Trade for a Certificate is to be made by a Memorial in Writing, signed by the Promoters, or some or one of them, and lodged at the Office of the Board of Trade.

2. Together with the Memorial the Promoters are to lodge—

(*a.*) A printed Draft of the Certificate as proposed by the Promoters:

(*b.*) An Estimate of the Expense of the Construction of the proposed new Railway or Work (if any), signed by the Person making the Estimate.

Plans, Sections, &c.

3. Maps, Plans, Sections, and Books of Reference deposited by the Promoters are to be such, in respect of Scale and Contents and otherwise, as, under the Standing Orders of either House of Parliament for the Time being in force, they would be obliged to deposit if they were proceeding in the same Case by a Railway Bill.

4. The Maps, Plans, Sections, and Books of Reference aforesaid are to be deposited at the Office of the Board of Trade at the Time when the Memorial is lodged there.

5. They are also to be deposited for public Inspection at the same Offices of the Clerks of the Peace or Sheriff Clerks, at which, under the Standing Orders aforesaid, the Promoters would be obliged to deposit them if they were proceeding in the same Case by a Railway Bill.

6. Where any Part of the Railway will be situate within the Limits of the Metropolis, as defined by The Metropolis Management Act, 1855, a Copy of so much of the Plans and Sections as relates to that Part is to be deposited at the Office of the Metropolitan Board of Works.

7. A Copy of so much of the Plans and Sections as relates to each Parish in which any Part of the Railway will be situate, or in which any Lands intended to be taken for the Railway are situate, together with a Copy of so much of the Book of Reference as relates to that Parish, is to be deposited for public Inspection with the Officer or Person with whom, under the Standing Orders aforesaid, the Promoters would be obliged to deposit the same if they were proceeding in the same Case by a Railway Bill.

Advertisements as to Application.

8. After all the Deposits aforesaid have been made, Notice of the Application to the Board of Trade is to be given by Advertisement published as follows, namely:

Where the Railway will be situate wholly in One County, City, or Town, or County of a City or Town, then once in each of Three successive Weeks in some One and the same Newspaper of that County, City, or Town, or County of a City or Town:

Where the Railway will not be situate wholly in One County, City, or Town, or County of a City or Town, then once in each of Three successive Weeks in some One and the same Newspaper of the County, City, or Town, or County of a City or Town, wherein the Head Office of the Promoters is situate, and also once in each of Three successive Weeks in some One and the same Newspaper of each County, City, or Town, or County of a City or Town, wherein any Part of the Railway will be situate:

If in any Case there is not any such Newspaper as herein-before described, then in like Manner in a Newspaper of some adjoining or neighbouring County:

In every Case, once at least in the London, Edinburgh, or Dublin Gazette, respectively, if the Railway will be situate wholly in England or Scotland, or in Ireland; and both in the London and in the Edinburgh Gazette, if the Railway will be situate partly in England and partly in Scotland.

9. The Advertisements are to be published either in the Month of June or in the Month of November and not at any other Time.

10. Each Advertisement is to give the Address of an Office in London where Copies of the Draft Certificate will be supplied as herein-after directed.

11. Each Advertisement is to state that all Persons desirous of making any Representation to the Board of Trade, or of bringing before them any Objection, respecting the Application, may do so by Letter addressed to the Secretary of the Board of Trade, on or before the First Day of August or First Day of January next succeeding the Date of the Advertisement, according as the same is published in the Month of June or in the Month of November.

Deposit of Copies of Advertisements.

12. Within One Week after the Publication of the latest Advertisement, a Copy of each of the Newspapers and Gazettes containing the several Advertisements is to be lodged at the Office of the Board of Trade.

13. Within the same Time, a printed Copy of the Gazette Advertisement is to be deposited for public Inspection in each of the same Offices, and with each of the same Officers and Persons, in which or with whom the Maps, Plans, Sections, and Books of Reference or Parts thereof were deposited.

14. The last-mentioned Deposit of a Copy of the Gazette Advertisement may be made (if the Promoters choose) by means of a registered Post Letter, and any Deposit so made shall be deemed made on the Day on which such Letter would be delivered in ordinary course of Post.

Note of Time of Deposit.

15. Where any Document is deposited under these Rules for public Inspection, the Clerk of the Peace, Sheriff Clerk, or other Officer or Person, in whose Office or with whom it is deposited, is to make thereon a Memorial in Writing denoting the Time at which it was deposited.

Notice to Road Trustees.

16. Where any Part of a Turnpike Road or Public Highway is intended to be taken or used, or to be diverted or otherwise interfered with, for the Purposes of the Railway, the Promoters in the Month of June or November (as the Case may be) in which the Advertisements are published are to serve Notice of the Application on the Trustees or other Persons having the Management of such Road or Highway.

Notice of Opposition.

17. Notice of Opposition by a Railway or Canal Company is to be lodged at the Office of the Board of Trade, not later than the First Day of August or First Day of January next succeeding the Date of the Advertisement of Application, according as the same is published in the Month of June or in the Month of November.

Notice

Notice of Settlement of Draft Certificate.

18. On the Draft Certificate being settled by the Board of Trade, the Promoters are to serve a Copy thereof, with a Notice that the Draft has been settled by the Board of Trade, on every Company, Body, or Person, by whom any Representation or Objection respecting the Application was made to or brought before the Board of Trade, and are also to give by Advertisement or otherwise such public or other Notice (if any) thereof, as according to the Circumstances of the Case the Board of Trade direct.

Supply of Copies of Draft Certificate.

19. From the Time of the Publication of the first Advertisement the Promoters are to keep in the Office mentioned in this Behalf in the Advertisement, a sufficient Number of Copies of the Draft of the Certificate as proposed by them, and are to furnish there Copies to all Persons applying for them at the Price of not more than Sixpence each.

20. From the Time of the Settlement of the Draft Certificate by the Board of Trade, the Promoters are to keep in the Office aforesaid Copies of the Draft supplied to them for that Purpose by the Board of Trade, and are to furnish there Copies thereof to all Persons applying for them at such Price (if any) as the Board of Trade from Time to Time direct.

Deposit of Money.

21. The Deposit of Money or Government Securities in Court is to be made within One Month after Notice from the Board of Trade that they are prepared to issue the Certificate.

Printing of Certificate.

22. Copies of the Certificate printed by the Printers of a Gazette are to be printed on ordinary White Folio Paper, similar in Size to the Paper on which the Public General Acts of Parliament are printed for public Sale.